

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

**C. R No. 4082 of 2019
Date of decision : 05.07.2019**

Nand KaurPetitioner
versus

Paramjit Singh and ors. ...Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Aminder Singh, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Challenge in this petition is to order dated 29.05.2019 passed by learned Addl. Civil Judge (Sr. Divn.) Sangrur whereby an application under Order 6 Rule 17 CPC of the petitioner for amendment of the plaint, has been dismissed.

A bare perusal of the impugned order shows that plaintiff/petitioner filed a suit for permanent injunction restraining the defendants/respondents from interfering in the peaceful possession and from dispossessing the plaintiff/petitioner from the house. On notice of the suit, the respondents/defendants sought time to file written statement and in the meantime, they trespassed and forcibly and illegally took the possession of the house in dispute during the night of 13/14.05.2016 and thereafter, filed the written statement stating that they are in possession of the house in dispute (P-2).

Learned counsel for the petitioner submits that in the above background, the petitioner who is 75 years of age and is true owner of the

house in dispute and was in possession of the house at the time of filing of the suit, sought amendment of the suit. Learned counsel submits that the application of the petitioner has been wrongly dismissed on the ground of delay. Learned counsel submits that the petitioner will not lead any evidence.

Keeping in view the fact that the petitioner is an old lady of 75 years of age who has filed the present suit against his son and daughter-in-law, the present revision petition stands allowed and order dated 29.05.2019 is set aside. The petitioner is permitted to amend her plaint, subject to deposit of cost of Rs.5000/- by the petitioner before District Legal Services Authority, Sangrur. Thereafter, the trial Court will proceed with the case in accordance with law.

05.07.2019

G.Arora

(RITU BAHRI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No